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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,530	07/10/2003	Craig D. Feldman	HER-6656	5049

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TUCKER, ELLIS & WEST LLP
1150 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND, OH 44115-1475

EXAMINER	
BASINGER, SHERMAN D	
ART UNIT	**PAPER NUMBER**
3617	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/618,530	FELDMAN ET AL.	
	Examiner	Art Unit	
	Sherman D. Basinger	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-7 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 10 July 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The signed declaration has been received.

Specification

2. The "Related Applications" section of the specification should be amended to state that:

The instant application is a continuation-in-part of application number 09/950032;

That application number 09/950032 is now patent 6,670,722;

That application number 09/950032 is a continuation-in-part of application 09/634432;

And that application 09/634432 is now abandoned.

3. A substitute specification is required pursuant to 37 CFR 1.125(a) because the specification filed July 10, 2003 is replete with errors of grammar and punctuation. For example on page 5 in line 18 "will not start 14 If the user does not turn on 12 the exhaust In an alternate" requires insertion of a period after "exhaust" and "If" should not be capitalized. On page 5, in line 20 a period should be inserted after "on". On page 7 in line 7 a period should be inserted after "deceleration". On page 9, in lines 10 and 11 "This feature of the This can" is unclear. On page 10, line 6, a period should be inserted after "invention". On page 11, in line 19 the comma after "emergency" should be a period.

The examples given a just a few of the errors needing correction by a substitute specification.

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that

double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Carter.

Carter discloses a system to facilitate safe operation of a vehicle, comprising:

a vapor sensor 54 operative to detect fumes within an associated

compartment;

a blower 40 operatively associated with the compartment to facilitate venting

gas therefrom; and

a controller 66 that controls the blower based on the amount of vapor fumes

detected by the vapor sensor.

Carter further discloses a system to facilitate venting fumes from an engine compartment of a marine vehicle, comprising:

means 66 for activating a timer in response to an ignition switch being turned off (see column 8, lines 4-8);

means 54 for sensing fumes within a compartment of the marine vehicle; and

means 72 for controlling a blower to exhaust at Ieast some of the fumes from the compartment of the marine vehicle based on the sensing of vapors and based on the timer (see column 8, lines 10-15).

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Ranst. Van Ranst discloses a system to facilitate safe operation of a vehicle, comprising:

a vapor sensor 30 operative to detect fumes within an associated compartment;

a blower 24 operatively associated with the compartment to facilitate venting gas therefrom;

a controller, the circuit shown in figure 3, that controls the blower based on the amount of vapor fumes detected by the vapor sensor; and wherein the controller provides a control signal to one of enable and disable an associated engine based on the amount of vapor fumes detected by the vapor sensor (see column 2, lines 32-37).

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman, Jr. Hoffman, Jr. discloses a system to facilitate safe operation of a vehicle, comprising:

a vapor sensor 38 operative to detect fumes within an associated compartment;

a blower 18 operatively associated with the compartment to facilitate venting gas therefrom;

a controller, the circuit in figure 5, that controls the blower based on the amount of vapor fumes detected by the vapor sensor; and wherein the controller provides a control signal to one of enable and disable an associated engine based on the amount of vapor fumes detected by the vapor sensor (see column 2, lines 30-36).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carter in view of Hoffman.

Carter does not disclose that the controller 66 provides a control signal to one of enable and disable an associated engine based on the amount of vapor fumes detected by the vapor sensor.

Hoffman teaches this concept. In view of the teaching of Hoffman, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have the controller 66 be modified to provide a control signal to one of enable or disable an associated engine based on the amount of vapor fumes detected by the vapor sensor. Motivation to do so is to make sure the engine is not started when the vapor sensor detects a vapor level which could lead to an explosion even after the blower has stopped running due to the elapse of the time period for it to be running.

With regard to claim 3, the controller 66 of Carter maintains operation of the vapor sensor for a predetermined period of time after an associated ignition has been turned off to enable control of the blower during the predetermined period of time after the associated ignition has been turned off based on the amount of vapor fumes detected by the vapor sensor. (see column 8, lines 4-19 of Carter).

Carter discloses a method to control starting a marine vehicle, comprising activating a timer in response to an ignition switch being turned off (column 8, lines 4-8) and sensing fumes within a compartment of the marine vehicle (column 8, lines 9-11),

Carter does not disclose controlling ignition of the vehicle based on the sensing of fumes and the timer, although Carter does disclose controlling a blower to exhaust at Ieast some of the fumes from the compartment of the marine vehicle based on the sensing of vapors and based on the condition of the ignition switch and enabling operation of the blower and the sensing of fumes for a predetermined duration provided by the activated timer (column 8, lines 12-14).

In view of the teachings of Hoffman, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have the controller 66 of Carter to control ignition of the vehicle based on the sensing of fumes and the timer during the power down state of column 8, line 5 of Carter. Motivation to do so is to prevent starting of the ignition while there are still vapors in the engine compartment.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dersch et al is cited for what is disclosed in column 4, lines 1-5 and lines 65-end. Hanover et al is cited to show the embodiment of figure 4. Kessell et al is the parent of the instant application. Morrell is cited to show a circuit which controls ignition of the engine with a vapor sensor 16.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sherman D. Basinger
Primary Examiner
Art Unit 3617

January 17, 2006